



**FREDERICK COUNTY PLANNING COMMISSION**  
**January 14, 2015**

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**TITLE:** **Damascus Road Community Church  
Expansion**

**FILE** **SP 95-40A; APFO #11998**

**REQUEST:** **APFO LOU Approval**

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 12826 Old National Pike  
The site is located on the north side of Old National Pike,  
just east of Bartholows Road.

**TAX MAP/PARCEL:** Tax Map 89, Parcel 29  
**COMP. PLAN:** Agriculture/Rural  
**ZONING:** Agriculture (A)  
**PLANNING REGION:** New Market  
**WATER/SEWER:** No Planned Service

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** DRCC Properties, LLC  
**OWNER:** N/A  
**ENGINEER:** N/A  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Ron Burns, Engineering Supervisor

**RECOMMENDATION: Approval**

**ATTACHMENTS:**

Exhibit 1 – Proposed Amended and Restated APFO LOU

Exhibit 2 – Executed APFO LOU

## ISSUE

## BACKGROUND

### Site Location



January 14, 2015

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## **ANALYSIS AND FINDINGS**

No re-testing was required by staff because the 2008 TIA demonstrated Level of Service A at all critical intersections and there has not been a significant enough increase in traffic along Old National Pike in the last 8 years to warrant a re-test. In addition, the site trip generation rates and gross floor area are not being modified.

As a condition of the 2011 APFO approval, the Applicant was assessed its proportionate contribution to 3 existing escrow accounts totaling \$13,203. As related in Exhibit #1, the proposed amended and restated LOU adds 2 new existing accounts that were not in existence in 2008, accounting for MD 75 widening north of MD 144 and the reconstruction of the I-70/MD 75 Interchange. The additional contributions results in a net increase of \$9,200 being contributed to 5 accounts, for a new total of \$22,403.

## **RECOMMENDATION**

Staff recommends execution of the Amended and Restated Adequate Public Facilities Letter of Understanding.





## FREDERICK COUNTY GOVERNMENT

### DIVISION OF COMMUNITY DEVELOPMENT

Department of Planning & Development Review

Exhibit #1

Jan H. Gardner  
County Executive

Gary W. Hessong, Acting Division Director  
Jim Gugel, Director

### AMENDED AND RESTATED ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

## Damascus Road Community Church Expansion

Site Plan # SP 95-40A (AP #11998)

**Background:** The Frederick County Planning Commission ("**Commission**") and the Damascus Road Community Church ("**Developer**"), entered into a Letter of Understanding dated November 9, 2011 (the "Original LOU"). That LOU's validity period was set to expire on November 9, 2015. The Developer recognizes that it would not be possible to vest the improvements until after that date and as a result has opted to extend the validity period to the expiration date of the current Site Plan (AP #13643), September 19, 2016, as noted below. As a result, additional escrow accounts which were not then, but now are, in existence, are added to those that were in the original LOU.

**In General:** As of the date of the last signature below, this Amended and Restated Adequate Public Facilities Letter of Understanding ("Amended LOU") rescinds and replaces the Original LOU and sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for the Damascus Road Community Church Expansion (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Amended LOU, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Amended LOU concerns itself with the Developer's 36 +/- acre parcel of land, which is zoned Agriculture (A), and located with access on the north side of Old National Pike, just east of Bartholows Road. This APFO approval will be effective for expansion of a place of worship to include a new larger sanctuary and new gymnasium totaling approximately 55,500 sq feet, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission September 18, 2013.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer Improvements:** The Property is currently classified as *No Planned Service (NPS)* in the County's *Master Water and Sewer Plan*. Individual well and septic currently serve this site.

**Road Improvements:** The site is capped based on traffic generation at a total amount of 915 Sunday and 32 pm weekday peak hour vehicle driveway trips.

In accordance with the developer option outlined in Sections 1-20-12 and -13 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution (in lieu of construction) toward the following existing escrow accounts:

In accordance with the developer option outlined in Sections 1-20-12 and -13 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution (in lieu of construction) toward the following existing escrow accounts:

1. **Existing Escrow Account at Old National Pike and Bartholows Road** (Account # 3309). The estimated cost of the intersection traffic control improvement is \$ 250,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.48%. Therefore the Developer hereby agrees to pay \$6,200 to the escrow account for this Road Improvement.
2. **Existing Escrow Account at Old National Pike and Morning Gate Court** (Account # 3299). The estimated cost of the signal improvement is \$ 184,369. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.20%. Therefore the Developer hereby agrees to pay \$ 2,212 to the escrow account for this Road Improvement.
3. **Existing Escrow Account at Old National Pike and Green Valley Road (MD 75)** (Account # 3553). The estimated cost of the intersection improvement is \$ 1,597,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.3%. Therefore the Developer hereby agrees to pay \$4,791 to the escrow account for this Road Improvement.
4. **Existing Escrow Account at MD 75/I-70 Interchange** (Account # 4093). The estimated cost of the intersection improvement is \$ 3,250,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.2%. Therefore the Developer hereby agrees to pay \$6,500 to the escrow account for this Road Improvement.
5. **Existing Escrow Account for MD 75 widening north of Old National Pike** (Account # 4094). The estimated cost of the intersection improvement is \$ 2,700,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.1%. Therefore the Developer hereby agrees to pay \$2,700 to the escrow account for this Road Improvement.

**The total required escrow account contribution is \$22,403. These road escrow contributions must be paid in full prior to release of the building permit.** Should this payment not be made within one year of the execution of this Amended LOU, the County reserves the right to adjust this amount, based on an engineering cost index.

The County is in the process of designing an improvement that calls for a new traffic control device (roundabout or traffic signal) at the intersection of Old National Pike and Bartholows Road. The Developer agrees to permit the County to apply up to the entire escrow contribution toward that improvement. The Developer also agrees to set aside a portion of the site as a borrow pit for use by a County contractor should it be needed for this improvement at no charge to the County.

**Period of Validity:** The APFO approval is valid for three years from the date of the Commission approval of the current site plan; therefore, the approval expires on September 19, 2016.

**Disclaimer:** This Amended LOU pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**DEVELOPER: Damascus Road Community Church**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name:  
Title:

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dwayne E. Robbins, Chair or Anthony Bruscia, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permitting & Inspections

*Planner's Initials / Date* \_\_\_\_\_

*County Attorney's Office Initials / Date* \_\_\_\_\_  
(Approved as to legal form)





COMMUNITY DEVELOPMENT DIVISION  
FREDERICK COUNTY, MARYLAND

*Department of Planning and Development Review*

30 North Market Street • Frederick, Maryland 21701

www.co.frederick.md.us

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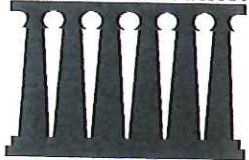
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*Department Director*

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**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Damascus Road Community Church Expansion**

*Site Plan # SP 95-40A (AP #11998)*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and the Damascus Road Community Church ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for the Damascus Road Community Church Expansion (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance, ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 36 +/- acre parcel of land, which is zoned Agriculture (A), and located with access on the north side of Old National Pike, just east of Bartholows Road. This APFO approval will be effective for expansion of a place of worship, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on November 9, 2011.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer Improvements:** The Property is currently classified as *No Planned Service (NPS)* in the County's *Master Water and Sewer Plan*. Individual well and septic currently serve this site.

**Road Improvements:** The site is capped based on traffic generation at a total amount of 915 Sunday and 32 pm weekday peak hour vehicle driveway trips.

In accordance with the developer option outlined in Sections 1-20-12 and -13 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution (in lieu of construction) toward the following existing escrow accounts:

1. **Existing Escrow Account at Old National Pike and Bartholows Road** (Account # 3309). The estimated cost of the intersection traffic control improvement is \$ 250,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.48%. Therefore the Developer hereby agrees to pay \$6,200 to the escrow account for this Road Improvement.
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**The total required escrow account contribution is \$13,203. These road escrow contributions must be paid in full prior to release of the building permit.** Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

The County is in the process of designing an improvement that calls for a new traffic control device (roundabout or traffic signal) at the intersection of Old National Pike and Bartholows Road. The Developer agrees to permit the County to apply up to the entire escrow contribution toward that improvement. The Developer also agrees to set aside a portion of the site as a borrow pit for use by a County contractor should it be needed for this improvement at no charge to the County.

**Period of Validity:** The site plan approval is valid for four (4) years from the date of Commission approval; therefore, the site plan approval expires on November 9, 2015. APFO approval shall be valid for as long as the site plan approval remains valid.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**[Signatures on Next Page]**

**DEVELOPER:**

By: Deborah Lawrence Date: Oct. 27, 2011  
Name: Deborah Lawrence  
Title: Treasurer, Damascus Road Community Church, Inc

**FREDERICK COUNTY PLANNING COMMISSION:**

By: John B. McClurkin Date: 11/9/11  
John McClurkin, Chair or Robert Lawrence, Secretary

**ATTEST:**

By: Gary Hessong Date: 11-9-11  
Gary Hessong, Director, Permitting & Inspections

Planner's Initials / Date RWB 11/9/11  
County Attorney's Office Initials / Date Kam 11/9/11  
(Approved as to legal form)

